



COMMUNITY FOOD SYSTEM ZONING PROPOSAL SUMMARY

May 13, 2013

CITY OF BINGHAMTON, NY



EXISTING REGULATIONS

- In all districts, any property owner may keep up to 4 chickens or rabbits.
- Community gardens are a permitted use in all districts except Industrial.

PROPOSED CHANGES

1. FARMERS' MARKETS

- New land use classification for Farmers' Markets, including Minor Farmers' Markets (2-5 vendors) to be allowed in residential neighborhoods

2. COMPOSTING:

- Composting explicitly permitted as accessory use to residential uses
- Strengthened regulations to prevent odors and other nuisances

3. COMMUNITY GARDENS

- Permitted by Series A Review in all districts, some soil testing may be required.
- Limit use of mechanized equipment and set allowable hours of operation.
- Prohibit use of chemical fertilizers and pesticides on city owned lots used as community gardens, allow only organic amendments
- Prohibit keeping of livestock in community gardens

4. MARKET GARDENS

- New land use classification; permitted by Series A Review in all districts, some soil testing may be required.
- Limit use of mechanized equipment and set allowable hours of operation and sales.
- Prohibit use of chemical fertilizers and pesticides on city owned lots used as market gardens, allow only organic amendments
- Prohibit keeping of livestock on urban farms.

5. KEEPING OF POULTRY, RABBITS AND BEES

- **Chickens, ducks and rabbits**
 - Maintain allowance of four per lot
 - Prohibit roosters, turkeys, geese
 - Detailed specifications on proper maintenance, setbacks, enclosures etc.
 - Strengthened regulations to prevent noise and odors

- **Beekeeping**

- Permit two (2) honey bee hives per property under ½ acre.
- Permit two (2) additional hives per ¼ acre of lot area in excess of ½ acre.
- Detailed specifications on maintenance, safety, setbacks, etc.
- Develops a registration system

- **Penalties:** increase penalties and strengthen enforcement

FAQs

WHAT IS URBAN AGRICULTURE?

Urban agriculture can be loosely defined as growing plants or raising animals for consumption with and around cities. Communities are using urban gardens and farms to provide fresh local produce to reduce the negative environmental impacts of food production. Residents may engage in horticulture and raising animals to save money and become healthier. Vacant lots or other underutilized land converted to urban farms provide aesthetic and environmental relief to an urban setting. It is not only a community building phenomenon, but also a potentially profitable activity that can create local jobs.

HOW IS AN MARKET GARDEN DIFFERENT FROM A COMMUNITY GARDEN?

Community gardens are sponsored by non-profits or neighborhood groups, and the land is typically meant to be cultivated for individual household consumption, not necessarily for sale. Market gardens can also be a community-sponsored endeavor, but they tend to be larger operations with more potential impacts. Produce or value-added farm products may be sold on site and therefore urban farms are subject to more stringent regulations regarding business activity.

CAN I GROW A VEGETABLE GARDEN ANYWHERE ON MY PROPERTY?

Household/Noncommercial gardens are not specifically regulated by the Code and are acceptable uses on all properties.

EVEN ON MY ROOFTOP?

Green roofs, or vegetated rooftops, are acceptable accessory uses. They capture rainwater, provide natural habitat, and reduce a building's energy use by creating a

layer of insulation. A building permit is required due to the structural engineering analysis needed.

WHY ALLOW COMPOSTING IN A CITY?

Composting saves Binghamton residents money in two ways—by reducing the number of City garbage bags that one has to purchase and by reducing the disposal costs paid by taxpayers to bring household trash to the landfill. Done correctly, composting is undetectable from neighboring properties. In addition, composting recycles food scraps into valuable fertilizer for gardens.

WHY ALLOW RAISING POULTRY AND RABBITS IN A CITY?

Chickens are easy to raise and provide affordable, quality eggs for their owners. These animals do not create a significant amount noise or odors if their caretakers adhere to proper maintenance protocols.

IS BEEKEEPING SAFE?

The practice of keeping bees is a widely permitted use in communities across the country because it is a safe and economically viable activity. As long as an adequate source of water is provided and regulations are followed regarding “flyaway barriers” and setbacks, then bees are unlikely to cause a nuisance on neighboring properties. Honey bees are non-aggressive. Beekeeping can help combat the impacts of colony collapse disorder.

WHICH OTHER CITIES PERMIT BEEKEEPING?

Scranton PA, Cleveland OH, Pittsburgh PA, Dayton OH, Baltimore, Lowell MA, NYC, Philadelphia, and Minneapolis are just a few of the communities that have legalized beekeeping.

ARE INDUSTRIAL DISTRICTS SAFE PLACES FOR GROWING FOOD?

Many properties within the City of Binghamton, not exclusive to those within industrial districts, could have been previously used for an industrial activity or other activities which may have contaminated the soil. It is important to carry out a historical background check and check soil for heavy metals. Remediation is required for soils with contaminants over acceptable thresholds, but raised planting beds with clean, imported soil are always a sensible alternative.

WON'T ANIMAL ENCLOSURES BE UNSIGHTLY AND ODOROUS?

To address potential nuisance complaints relating to odor, the Code outlines proper sanitary standards and waste management. Livestock Agricultural Use Structures relating to the housing of animals must be constructed in conformity with land use and building codes. The addition of more stringent penalties and stronger enforcement mechanisms will help reduce nuisances, and the limit on the number of livestock will also reduce the likelihood of odor nuisances.

HOW WILL NOISE BE REGULATED?

Roosters, the noisy male chickens, are prohibited within the City. Poultry will need to be confined during the night so sounds will be less audible. Dogs typically cause more noise than the proposed allowed livestock. The use of mechanized equipment in community gardens and on urban farms will be limited to prevent the disturbance of neighbors.

WOULD THE PROPOSAL DEVELOP ANY NEW PERMITS?

The proposal includes the development of a Bee Keepers Permit, which would include an annual fee (to be established by City Council). The permit application would require the submission of a site plan to demonstrate compliance with the zoning code.

DEFINITIONS TO KNOW:

AGRICULTURAL USE STRUCTURE, LIVESTOCK -- a type of agricultural use structure, including but not limited to chicken coops, rabbit hutches, sheds, stables, and barns, used to house livestock.

BEEHIVE— a structure with movable-frames intended for the housing of one (1) honey bee colony.

COMPOST—the product of the composting process. Compost is characterized as chemically and biologically altered organic material which has become chemically stable, which decomposes slowly and is free from odors.

GARDEN, MARKET— A private, commercial or community site used for the seasonal or year-round growing of horticultural crops primarily for sale or distribution.

GARDEN, COMMUNITY OR NEIGHBORHOOD An area used by several individuals, or families, operating in association with each other and under sponsorship by a nonprofit or voluntary organization, for seasonal production of vegetables and other garden produce for personal or group consumption, donation, or for sale that is incidental in nature.

GREENHOUSE, COMMERCIAL—Any permanent building or structure in which light, temperature and humidity can be controlled for the growing and protection of flowers and other plants which are to be sold commercially.